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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,328.	10/21/2003	Gilad Israel Elbaz	53051/288071	2189

40400 7590 10/23/2006
PATENT DEPARTMENT - 53051
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EXAMINER

COUGHLAN, PETER D

ART UNIT PAPER NUMBER

2129

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,328

Applicant(s)

ELBAZ ET AL.

Examiner

Peter Coughlan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/11/06 & 8/8/06.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

1. This office action is in response to an AMENDMENT entered August 25, 2006 for the patent application 10/690328 filed on October 21, 2003.
2. The First Office Action of May 5, 2006 is fully incorporated into this Final Office Action by reference.
3. Examiner's Improvement Opinion: The words 'related' and 'associated' are used in claims 1, 3, 5, 6, 8, 9, 12, 13, 14, 16, 18, 19, 21, 22, 25, 26. The problem arises using the words 'related' and 'associated' they are vague and indefinite. For example in claim 6 where related information is composed of related data. The applicant is using the same word to define itself. The recommendation is to eliminate these words and substitute words/phrases that are within the specification which have definite meanings with clear boundaries without ambiguous characteristics.

Status of Claims

4. Claims 1-31 are pending.

35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-31 are rejected under 35 U.S.C. 101 for nonstatutory subject matter. The computer system must set forth a practical application of that § 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77. The invention is ineligible because it has not been limited to a substantial practical application. The determination of a knowledge meaning item has no purpose in the real world.

In determining whether the claim is for a "practical application," the focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claimed invention is "useful, tangible and concrete." If the claim is directed to a practical application of the § 101 judicial exception producing a result tied to the physical world that does not preempt the judicial exception, then the claim meets the statutory requirement of 35 U.S.C. § 101.

The value of 'knowledge meaning item', relationships between different classes of data, generation of probabilities has no real world application.

The invention must be for a practical application and either:

- 1) specify transforming (physical thing) or
- 2) have the FINAL RESULT (not the steps) achieve or produce a
useful (specific, substantial, AND credible),
concrete (substantially repeatable/ non-unpredictable), AND
tangible (real world/ non-abstract) result.

A claim that is so broad that it reads on both statutory and non-statutory subject matter, must be amended, and if the specification discloses a practical application but the claim is broader than the disclosure such that it does not require the practical application, then the claim must be amended.

A method that solely generates values from an algorithm and relational databases connection statements is not statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 11, 12, 14-22, 24, 25 are rejected under 35 U.S.C. 102(b)
(hereinafter referred to as **Gerace**) being anticipated by Gerace, U.S. 5848396.

Claims 1, 14.

Gerace anticipates receiving a knowledge item (**Gerace, C22:58-65**; 'Knowledge item' of applicant is equivalent to a searchable category of Gerace.); receiving related information associated with the knowledge item (**Gerace, C9:40-51**; 'Related information' of applicant is equivalent to 'page display' of Gerace.); determining at least one related meaning based on the related information (**Gerace, C11:13-23**; 'Related meaning' of applicant is equivalent to 'previously accessed' information of Gerace.); and determining a knowledge item meaning for the knowledge item based at least in part on the related meaning. (**Gerace, C6:46-57**; 'Knowledge item' of applicant is equivalent to information that is generated when a user logs on and information is recorded pertaining to the user activities of Gerace.)

Claims 2, 15.

Gerace anticipates the knowledge item is a keyword. (**Gerace, C22:58-65**; 'Keyword' of applicant is one of many searchable categories of Gerace.)

Claims 3, 16.

Gerace anticipates the related information comprises related articles. (**Gerace, C9:40-51**; One example of 'related articles' of Applicant is equivalent to 'real estate' of Gerace.)

Claims 4, 17.

Gerace anticipates the articles comprise an advertisement from an advertiser who has bid on the knowledge item. (**Gerace**, C9:40-51; 'Advertiser who has bid' of applicant is equivalent to 'sponsor' of Gerace.)

Claims 5, 18

Gerace anticipates the articles further comprise a web page associated with the advertisement. (**Gerace**, C9:40-51)

Claims 6, 19.

Gerace anticipates the related information further comprises related data. (**Gerace**, C11:13-23; Gerace illustrates related data is the 'City Page'. 'Related information' of applicant is equivalent to 'name, address, telephone...' on the 'City Page' of Gerace.)

Claims 7, 20.

Gerace anticipates related data comprises cost per click data associated with the advertisement. (**Gerace**, C12:64-67; 'Cost per click' of applicant is equivalent to 'overview report' of Gerace.)

Claims 8, 21.

Gerace anticipates receiving the knowledge item further comprises processing the knowledge item to determine any known associated concepts. (**Gerace**, C4:12-29; 'Associated concepts' of applicant is equivalent to 'patterns' of Gerace.)

Claims 9, 22.

Gerace anticipates a plurality of associated concepts and determining the knowledge item meaning comprises determining which of the associated concepts represents the knowledge item meaning. (**Gerace**, C4:12-29; 'Knowledge item meaning' of applicant is equivalent to 'inferences' of Gerace. 'Inferences' are based on 'patterns' of Gerace.)

Claims 11, 24.

Gerace anticipates the knowledge item meaning comprises a weighted vector of concepts. (**Gerace**, C12:22-42; 'Weighted vector of concepts' of applicant is equivalent to 'relative importance (e. g. weight) with respect to each criterion' of Gerace.)

Claims 12, 25.

Gerace anticipates the knowledge item meaning comprises related clusters of words. (**Gerace**, C14:66 through C15:10; 'Related cluster of words' of applicant is equivalent to 'identifies which terms' of Gerace.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 13, 23, 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerace as set forth above in view of Becker (U. S. Patent 5878223, referred to as **Becker**)

Claims 10, 23.

Gerace fails to particularly call for establishing a probability for each knowledge item concept that the knowledge item should be resolved to the knowledge item concept; determining a strength of relationship between each knowledge item concept and each related meaning concept; and adjusting the probability for each knowledge item concept based on the strengths.

Becker teaches establishing a probability for each knowledge item concept that the knowledge item should be resolved to the knowledge item concept; (**Becker**, C9:18-28; 'Knowledge item concept' of applicant is equivalent to 'next-to-be-selected' of Becker.) determining a strength of relationship between each knowledge item concept

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and each related meaning concept (**Becker**, C9:18-28; 'Determining a strength' of applicant is equivalent to 'highest preference indication' of Becker.); and adjusting the probability for each knowledge item concept based on the strengths. (**Becker**, C9:18-28; 'Adjusting' of applicant is equivalent to 'updating' of Becker.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Gerace by generating and using probability values to tie together knowledge concept items and related meaning concept as taught by Becker to establish a probability for each knowledge item concept that the knowledge item should be resolved to the knowledge item concept; determining a strength of relationship between each knowledge item concept and each related meaning concept; and adjusting the probability for each knowledge item concept based on the strengths.

For the purpose of using the probabilities to aid in prediction of events.

Claims 13, 26.

Gerace fails to particularly call for establishing a probability for each knowledge item concept that the knowledge item should be resolved in part to the knowledge item concept; and establishing a probability for each related meaning concept that the knowledge item should be resolved in part to the related meaning concept.

Becker teaches establishing a probability for each knowledge item concept that the knowledge item should be resolved in part to the knowledge item concept (**Becker**, C9:18-28; 'Knowledge item concept' of applicant is equivalent to 'next-to-be-selected' of Becker.); and establishing a probability for each related meaning concept that the

knowledge item should be resolved in part to the related meaning concept. (**Becker**, C19:14-19; Probability to resolve related meaning concepts of applicant is accomplished by 'multi-level prediction tables' of Becker.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Gerace by generating probability values and using them to have cohesive relationships between knowledge item and knowledge concept item and between related meaning and related meaning concept as taught by Becker to establish a probability for each knowledge item concept that the knowledge item should be resolved in part to the knowledge item concept; and establishing a probability for each related meaning concept that the knowledge item should be resolved in part to the related meaning concept.

For the purpose of using the probability values for prediction of future events.

Claim 27

Gerace teaches receiving a keyword (**Gerace**, C22:58-65; 'Keyword' of applicant is illustrated by one of many searchable categories of Gerace); receiving related information associated with the keyword (**Gerace**, C22:58-65; 'Receiving related information' of applicant is equivalent to a 'browsing through categories' of Gerace.); determining at least one related meaning based on the related information (**Gerace**, C22:58-65; 'One related meaning' of applicant is equivalent to 'classification' of Gerace.); determining a keyword meaning for the keyword based at least in part on the

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related meaning. (**Gerace**, C22:58-65; Gerace illustrated that classification can be based on a keyword.)

Gerace does not teach matching the keyword to content associated with a webpage.

Becker teaches matching the keyword to content associated with a webpage. (**Becker**, C4:54 through C5:13 and C6:20-63; 'Matching' of applicant is equivalent to 'send predicted-to-be-requested pages' of Becker. Becker illustrates classification of web pages.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Gerace by using a keyword for a search term as taught by Becker to match keyword to content associated with a webpage.

For the purpose of searching web pages for a specific topic.

Gerace teaches matching the keyword to an advertisement based at least in part on the keyword meaning (**Gerace**, C4:36-46; 'Keyword meaning' of applicant is equivalent to 'agate data' of Gerace.); and selecting the advertisement to associate with the content. (**Gerace**, C4:36-46; 'Selecting the advertisement' of applicant is equivalent to 'target audience profile indicated for each advertisement' of Gerace.)

Claim 28

Gerace teaches related information comprises text of advertisements associated with advertisers who have bid on the keyword. (**Gerace**, C9:40-51; 'Advertiser who have bid' of applicant is equivalent to 'sponsor' of Gerace.)

Claim 29

Gerace teaches related information comprises destination web pages associated with the advertisements. (**Gerace**, C9:40-51)

Claim 30

Gerace teaches related information comprises other keywords bid on by the advertisers. (**Gerace**, C4:36-46; 'Related information' of applicant is equivalent to 'results of the search' of Gerace. Examples of 'keywords' of applicant are equivalent to 'categories' of Gerace. Gerace illustrates numerous categories such as 'personal page, classifieds page, real estate' of Gerace.)

Claim 31

Gerace teaches related information comprises search results associated with the keyword. (**Gerace**, C4:36-46; 'Search results' of applicant is equivalent to 'results of the search' of Gerace.)

Response to Arguments

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6. Applicant's arguments filed on August 25, 2006 for claims 1-31 have been fully considered but are not persuasive.

7. In reference to the Applicant's argument:

This Amendment is a full and timely response to the Office Action dated May 25, 2006. New claims 27-31 have been added. Upon entry of the present amendment, claims 1-31 will be pending in this application. No new matter is added, and support for the amendments may be found throughout the specification and in the original claims.

In the May 25, 2006 Office Action, the Examiner rejected all claims 1-26. The Applicants respectfully traverse the Examiner's rejections. For the reasons set forth below, the Applicants submit that the rejections should be withdrawn and that the claims are in condition for allowance.

I. Claim Rejections -- 35 U.S.C. § 101

The Office Action rejected claims 1-26 under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject-matter. The Examiner states that the "computer system must set forth a practical application of that § 101 judicial exception to produce a real world result" and that the "invention is ineligible because it has not been limited to a substantial practical application." Further the Examiner states that the "determination of a knowledge meaning item has no purpose in the real world" and that the final result of the claimed invention is not useful, tangible and concrete. Thus, the Examiner appears to be taking the position that the claims fall within a judicial exception (i.e., directed to an abstract idea) of statutory subject matter under 35 U.S.C. § 101.

The Applicants respectfully disagree that the claims fall into this judicial exception and that the claimed invention fails to produce a useful, concrete, and tangible result. See Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, Official Gazette Notices, 22 November 2005, <http://www.uspto.gov/web/officesleom/sol/o/2Q05Aveek47/patgura.htm> (hereinafter Interim Guidelines).

Claims 1-26 do produce a useful, concrete, and tangible result and, therefore, do meet the patentability requirement set out by § 101. The Federal Circuit has held that for a claimed invention to satisfy the requirements of 35 U.S.C. § 101, it must produce a "useful, concrete, and tangible result." *State St. Bank & Tr. Co. v. Signature Pin. Group, Inc.*, 149 F.3d 1368, 1373-74 (Fed. Cir. 1998). In its Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, the USPTO states that the Examiner should weigh the aforementioned factors to determine whether

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35 U.S.C. § 101 is met. See Interim Guidelines. Because the Applicants' claimed invention meets each of the three factors, as explained below, claims 1-26 are patentable under 35 U.S.C. § 101.

A. Useful

First, the Applicants' claimed invention is useful. For this criterion to be met, the Patent Office requires a claimed invention's utility to be "specific, substantial, and credible." See M.P.E.P. § 2107(U)(A)(3); Interim Guidelines. The M.P.E.P. describes a "specific and substantial utility" as excluding "throw-away," "insubstantial," and "nonspecific" utilities. M.P.E.P. § 2107(IU)(B)(1)(i). The Applicants' claimed invention cannot be categorized as any of these three types of exclusions. Rather, it has the specific utility of determining the meaning of a knowledge item, such as a keyword. The claimed invention is useful, for example, in the context of associating an advertisement with a keyword that is in turn associated with content, such as a webpage. Therefore, the Applicants' claimed invention is useful, because it has a specific and substantial utility.

Concrete

Second, the Applicants' claimed invention is concrete. For this factor to be met "the process must have a result that can be substantially repeatable or the process must substantially produce the same result again." Interim Guidelines. The Applicants' claimed invention meets this criterion, because a meaning for a knowledge item is determined. When these methods are embodied and followed, the process of determining a meaning for a knowledge item is repeatable. Therefore, the Applicants' claimed invention is concrete, because it produces a result that is substantially repeatable.

Tangible

Third, the Applicants' claimed invention is tangible. This requirement "does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing." Interim Guidelines. Rather, the claim must set out a "practical application" that produces a "real-world result." *Id.* The Applicants' claimed invention sets out a practical application in claims 1 and 14 (and, thus, to their respective dependent claims) by determining a meaning for a knowledge item based at least in part on the determined related meaning for related information associated with the knowledge item. The meaning can be used to associate an advertisement with the knowledge item and its associated content. Thus, because the Applicants' claimed invention has a practical application and produces real-world results, the claimed invention is tangible.

Therefore, because each of the three criteria for patentability under § 101 are met, the Office Action rejection to these claims is believed to be traversed, and claims 1-26 are in condition for allowance.

Examiner's response:

The invention does not state a real world application or function. Is this to be used as an automotive repair guide, or to determine the spending habits of web users of a given yearly income, or marketing research for sleep aids? If so, no such claims have been stated. First Office Action stands.

8. In reference to the Applicant's argument:

U. Claim Rejections – 35 U.S.C. § 102

In the Office Action, claims 1-9, 11, 12, 14-22, 24, 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,848,396 ("Gerace"). In order to anticipate a claim under 35 U.S.C. § 102(e), "the reference must teach each and every element of the claim." M.P.E.P. § 2131. Gerace does not teach or suggest all of the elements of any of the Applicants' claims. Thus, the Applicants respectfully traverse these rejections.

Gerace relates to determining a user profile associated with a user and customizing webpage content based on the user's profile. For example, Gerace discloses creating a user profile based on the pattern of the user's viewing actions or habits. See, e.g., 4:12-23. Gerace discloses displaying advertisements to the user based on the associated user profile. See, e.g., 2:30-34, 4:30-36. Moreover, the display of the advertisements can be customized based on the user's profile. See, e.g., 5:20-25. Performance reports for the displayed advertisements may be created and provided to the advertisers. See, e.g., 5:35-38.

Claims 1 and 14 of the present invention require "receiving related information associated with a knowledge item," such as a keyword. The Examiner stated that this element was found at 9:40-51 in Gerace and that "related information" in the claims was

equivalent to "page display" in Gerace. This referenced section of Gerace (9:40-51) relates to a "Messages" category of a Home Page that includes information relating to categories, such as personals advertisements, classified advertisements and real estate advertisements where a user can select a category and view the results. Even assuming that the displayed advertisements are displayed based on the user profile,

this section of Gerace does not disclose or suggest receiving related information associated with a knowledge item as claimed by the present invention.

Examiner's response:

'Receiving related information associated with a knowledge item' of applicant is equivalent to 'page display' of Gerace. To bring up a page, some information has to be entered. Gerace illustrates this by having categories which different types of information can be seen. If this were false any kind of information would appear despite using search tools (**Gerace**, C22:58-65)

9. In reference to the Applicant's argument:

Claims 1 and 14 of the present invention also require "determining at least one related meaning based on the related information." The Examiner stated that this element was found at 11:13-23 of Gerace and "related meaning" in the claims was equivalent to "previously accessed" information of Gerace. This referenced section of Gerace (11:13-23) relates to a "City Page" that provides a Directory of names, addresses, telephone/facsimile numbers, and e-mail addresses. The numbers are displayed, according to Gerace, if the user has accessed them before. This section of Gerace does not disclose or suggest determining a related meaning based on related information as claimed by the present invention.

Examiner's response:

'Names, addresses and telephone numbers' are all related to a city page. To gain access to the 'Names, addresses and telephone numbers' one must first have to go onto the 'city page'. When the 'Names, addresses and telephone numbers' are accessed then the 'city page' is now previously accessed. Gerace has classifications which in turn each classification has at least one meaning or definition or standards or

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parameters for said classification. (**Gerace**, C22:58-65; 'One related meaning' of applicant is equivalent to 'classification' of Gerace.) First Office Action stands.

10. In reference to the Applicant's argument:

Claims 1 and 14 of the present invention further require "determining a knowledge item meaning for the knowledge item based at least in part on the related meaning." The Examiner stated that this element was found at 6:46-57 and that "knowledge item" of the claims is equivalent to "information that is generated when a user logs on and information is recorded pertaining to user activities of Gerace." This referenced section of Gerace (6:46-57) relates to information that is recorded by the program when a user logs on, such as the date and time, the referring link, the user's identification number, and the Web browser software employed on the user's computer. This section of Gerace does not disclose or suggest determining a knowledge item meaning for the knowledge item based at least in part on the related meaning.

Since Gerace does not include all of the elements of claims 1 and 14, the Applicants respectfully request that the Examiner withdraw the rejection of claims 1 and 14.

Claims 2-9, 11, and 12 depend from claim 1 and claims 15-22, 24, and 25 and depend from claim 14 respectively and are patentable over Gerace for at least the same reasons as stated above for claims 1 and 14. Therefore, the Applicants respectfully request that the Examiner withdraw the rejection of claims 2-9, 11, 12, 15-22, 24, and 25.

Claim Rejections -- 35 U.S.C. § 103

In the Office Action, claims 10, 13, 23 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gerace in view of U.S. Patent No. 5,878,223 ('Becker'). Claims 10 and 13 depend from claim 1 and claims 23 and 26 depend from claim 14. For the reasons stated above, Gerace does not include all elements of claims 1 and 14 and thus, neither Gerace or Becker disclose or suggest all elements of claims 10,

13, 23, or 26. Therefore, the Applicants respectfully request that the Examiner withdraw the rejection of claims 10, 13, 23, and 26.

IV. New Claims 27-31

New claims 27-31 have been added. Applicants believe that new claims 27-31 are in condition for allowance.

Examiner's response:

Applicant claims 'Gerace does not disclose or suggest determining a knowledge item meaning for the knowledge item based at least in part on the related meaning' with stating that prediction of a user actions based on history of user action is not equivalent to 'relative meaning.' Examiner disagrees, due to Gerace actions are based on previous actions (which are relative). First Office Action stands. (**Gerace**, C6:58 through C7:22)

Examination Considerations

11. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has the full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

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12. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and sprit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but link to prior art that one of ordinary skill in the art would find inherently appropriate.

13. Examiner's Opinion: Paragraphs 11 and 12 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Claims 1-31 are rejected.

Correspondence Information

16. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3687. Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,
Washington, D. C. 20231;

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



Peter Coughlan

10/17/2006



DAVID VINCENT
SUPERVISORY PATENT EXAMINER